

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

PHILLIP H. OWENS,

Plaintiff,

v.

THE COUNTY OF MONROE,

Defendants.

Case No. 21-6445

ANSWER TO COMPLAINT

Defendant The County of Monroe (the “County”) answers Plaintiff’s Complaint as follows¹:

1. Denies the allegations set forth in paragraph 1.
2. Denies the allegations set forth in paragraph 2.
3. Denies the allegations set forth in paragraph 3.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4.
5. Denies the allegations set forth in paragraph 5.
6. Denies the allegations set forth in paragraph 6.
7. Denies the allegations set forth in paragraph 7.
8. Admits the allegations set forth in paragraph 8.
9. Admits the allegations set forth in paragraph 9.
10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10.
11. Denies knowledge or information sufficient to form a belief as to the truth of the

¹ Pursuant to the Decision and Order of this Court, dated December 27, 2021, the County will respond only to the claim for relief based on an alleged failure to discipline.

allegations set forth in paragraph 11.

12. Admits the allegations set forth in paragraph 12.

13. Denies the allegations set forth in paragraph 13.

14. Denies the allegations set forth in paragraph 14.

15. Denies the allegations set forth in paragraph 15.

16. Denies the allegations set forth in paragraph 16.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17.²

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 23.

24. Denies knowledge or information sufficient to form a belief as to the truth of the

² The files related to plaintiff's criminal prosecution are sealed and, as such, the County's response to any allegation with respect to information contained in those files is to Denies knowledge or information sufficient to form a belief as to their truth.

allegations set forth in paragraph 24.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 34.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35.

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 36.

37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 37.

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 39.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 40.

41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41.

42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42.

43. Denies knowledge or information sufficient to form a belief as to truth of the allegations set forth in paragraph 43.

44. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 44.

45. Denies the allegations set forth in paragraph 45 regarding any policy of the Monroe County District Attorney's office and Denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth therein.

46. Denies the allegations set forth in paragraph 46.

47. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph 47.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 48.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 49.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 50.

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 51.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 52.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 53.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 54.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 55.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 56.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 57.

58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 58.

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 59.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 60.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 61.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 62.

63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 63.

64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 64.

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 65.

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 66.

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 67.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 68.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 69.

70. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph 70.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 71.

72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 72.

73. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 73.

74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 74.

75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 75.

76. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 76.

77. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 77.

78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 78.

79. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 79.

80. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 80.

81. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 81.

82. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 82.

83. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 83.

84. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 84.

85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 85.

86. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 86.

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90. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 90.

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92. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 92.

93. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph 93.

94. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 94.

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96. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 96.

97. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 97.

98. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 98.

99. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 99.

100. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 100.

101. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 101.

102. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 102.

103. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 103.

104. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 104.

105. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 105.

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107. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 107.

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109. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 109.

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111. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 111.

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116. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph 116.

117. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 117.

118. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 118.

119. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 119.

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122. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 122.

123. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 123.

124. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 124.

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126. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 126.

127. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 127.

128. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 128.

129. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 129.

130. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 130.

131. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

132. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

133. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

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163. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

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167. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

168. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

169. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

170. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

171. Denies the allegations set forth in paragraph 171.

172. Denies the allegations set forth in paragraph 172.

173. Denies the allegations set forth in paragraph 173.

174. Denies the allegations set forth in paragraph 174.

175. Denies the allegations set forth in paragraph 175, and respectfully refers the Court to the decisions referenced therein for their content, meaning, and legal effect.

176. Denies the allegations set forth in paragraph 176.

177. Denies the allegations set forth in paragraph 177.

178. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 178.

179. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 179.

180. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 180.

181. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 181.

182. Denies the allegations set forth in paragraph 182 and respectfully refers the Court to the decision referenced therein for its content, meaning, and legal effect.

183. Denies the allegations set forth in paragraph 183.

184. Denies the allegations set forth in paragraph 184.

185. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 185.

186. Denies the allegations set forth in paragraph 186 and respectfully refers the Court to the decision referenced therein for its content, meaning, and legal effect.

187. Denies the allegations set forth in paragraph 187 and respectfully refers the Court to the decision referenced therein for its content, meaning, and legal effect.

188. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 188.

189. Denies the allegations set forth in paragraph 189.

190. Denies the allegations set forth in paragraph 190.

191. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 191.

192. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 192.

193. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 193.

194. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 194.

195. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 195.

196. Denies the allegations set forth in paragraph 196.

197. Denies the allegations set forth in paragraph 197.

198. Denies the allegations set forth in paragraph 198.

199. Denies the allegations set forth in paragraph 199.

200. Denies the allegations set forth in paragraph 200.

201. The County repeats the above responses as if set forth fully herein.

202. Denies the allegations set forth in paragraph 202.

203. Denies the allegations set forth in paragraph 203.

204. Denies the allegations set forth in paragraph 204.

205. Denies the allegations set forth in paragraph 205.

206. Denies the allegations set forth in paragraph 206.

207. Denies the allegations set forth in paragraph 207.

208. Denies the allegations set forth in paragraph 208.

209. Denies the allegations set forth in paragraph 209.

210. Denies the allegations set forth in paragraph 210.

211. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 211.

212. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 212.

213. Denies the allegations set forth in paragraph 213.

214. Denies the allegations set forth in paragraph 214.

215. Denies the allegations set forth in paragraph 215.

216. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 216.

217. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 217.

218. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 218.

219. Denies the allegations set forth in paragraph 219.

220. Denies the allegations set forth in paragraph 220.

221. Denies the allegations set forth in paragraph 221.

222. Denies the allegations set forth in paragraph 222.

223. Denies the allegations set forth in paragraph 223.

224. The County repeats the above responses as if set forth fully herein

225. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation

requires no response.

226. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

227. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

228. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

229. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

230. Pursuant to the Court's December 27, 2021 Decision and Order, this allegation requires no response.

1st Affirmative Defense

1. The Complaint fails to state a cause of action upon which relief may be granted.

2nd Affirmative Defense

2. The County did not authorize, condone, permit, and/or ratify any improper or malicious conduct of any person or adopt any policy condoning such conduct.

3rd Affirmative Defense

3. The Complaint is barred by the applicable statute of limitations.

4th Affirmative Defense

4. To the extent plaintiff's claims are based on the doctrine of respondeat superior, such claims are barred because such doctrine is not available under 42 U.S.C. §1983.

5th Affirmative Defense

5. The plaintiff's causes of action, predicated upon the conduct of the Monroe County District Attorney and her assistants, taken in their official capacities, are barred by the Eleventh Amendment to the United States Constitution.

6th Affirmative Defense

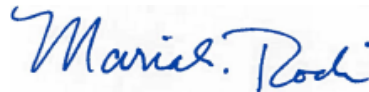
6. The County reserves the right to amend this Answer to assert any additional affirmative defenses that may be uncovered or made known during the pendency of this action.

Defendant hereby demands a trial by jury.

WHEREFORE, defendant demands judgment dismissing the Complaint and all claims against defendant, with prejudice, and for such other relief as the Court deems just and proper.

Dated: January 10, 2022

**JOHN P. BRINGEWATT,
MONROE COUNTY ATTORNEY**



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